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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 925,184	08 09 2001	Ian Jenkins	TELNP229US	4070

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT PAPER NUMBER

2835

DATE MAILED: 08 08 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,184

Applicant(s)

JENKINS ET AL.

Examiner

Michael Datskovsky

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 25 is/are allowed.
- 6) ☐ Claim(s) 1-13, 16 and 26 is/are rejected.
- 7) ☐ Claim(s) 14, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/21/2003 have been fully considered but they are not persuasive. Examiner does agree with applicant's interpretation of the reference by Trahan et al. As the applicant admitted it, in the reference by Trahan et al an ejector knob 405 (an ejection mechanism) is sliding on inclined planes (hence, in a way is coupled to them). As Trahan et al teach (See col.3, lines 5-11): "These inclined planes 415, 417 together with the three interlocked walls 421, 423, 425 create a retention area 429 (a slot) which is formed to the size and shape of the SIM chip card 401, where the SIM chip card 401 will rest when it has been properly aligned." Hence, it is clear, that the knob 405 being coupled to a part of the slot 429 is coupled to this slot. (As well as in the instant application the ejection mechanism is actually coupled to a frame, which is a part of the card slot).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5-6 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Trahan et al.

Trahan et al teach a portable electronic device, Figs.1-4, comprising: a slot 201 comprising a SIM module adapted to receive a SIM flash card, the slot being located in a well in a battery compartment of the portable electronic device; the well having sidewalls 421, 423 and 425 adapted to properly align the SIM card having cropped corners within the well; a SIM card cover 403 freely detachable from the portable electronic device; an ejection mechanism 405 coupled to the slot; wherein said compartment is being sealed from the outside environment (col.2, lines 39-41, and col.3, lines 53-59).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trahan et al.

Trahan et al teach all the limitations of the claims except said flash card is a smart media card or a PCMCIA card. It would have been an obvious matter of design choice to configure a card slot for receiving a smart media card or a PCMCIA card since

applicant has not disclosed that type of a memory card solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any kind of compact memory cards.

6. Claims 7-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trahan et al as applied to claims above, and further in view of Petrella et al or Ford et al.

Trahan et al teach all the limitations of the claims except that there is a sealing gasket between a housing of the portable electronic device and a cover of the battery compartment, between the card well of the card well cover (claim 10). Official notes is taken that using gaskets for sealing covered compartments is well known in the art. Both Petrella et al and Ford et al teach a portable electronic device environmentally sealed by using an elastic gaskets between covers and housings. It would have been obvious to one skilled in the art at the time invention was made to employ an elastic gasket together the covers of the card well and the battery compartment in the device by Trahan et al as it is shown by Petrella et al or Ford et al in order to improve sealing of the memory card and the battery compartment of the portable electronic device.

Allowable Subject Matter

7. Claim 25 is allowed.

8. Claims 14-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The SIM card cover being secured to the well by a screw (claims 14-15 and 25); The SIM card well cover having at least one protrusion on a side facing the SIM card (claim 17).

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Patent Examiner

Michael Datskovsky

August 4, 2003


DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER 2800